

REMARKS

This submission accompanies the filing of an RCE for the above-identified application. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim Amendments/Status

In this submission, claim 1 has been amended to better define switching time. An appendix is used to depict the switching time as t_c . As will be appreciated, the duty cycle is $T_1 / (T_1 + T_2)$, as per the comments advanced in the response filed on November 6, 2008. Thus, the amendment "wherein the switching time (t_c) is a time necessary for the switch to transition from one state to assume another" is fully supported by the drawings (see Fig. 2b) and the associated disclosure, by way of example.

Rejections under 35 USC § 102

- 1) The rejection of claims 1-10 under 35 USC 102(b) as being anticipated by Hancock et al. (US Patent No. 5,847,367) is respectfully traversed for the reasons discussed below.

Hancock discloses a circuit for controlling the temperature of a heating element. Notwithstanding the Examiner's assertion that column 6, line 13 – column 7, line 32 disclose the means for controlling switching time, the paragraphs designated by the Examiner do not in fact mention controlling switching time as now defined. In fact, Hancock merely discloses "switching means", and nowhere does Hancock disclose controlling switching time so that a finite delay or transition time is created and varied.

In fact, the switching time in Hancock is probably equal to zero or equal to the typical switching time for the switch arrangement used in the disclosed arrangement – for example similar to the timing illustrated in Fig. 2a of the instant application. Indeed, it must be assumed that the Hancock arrangement is directed to making the switch as fast as possible and to not modify the time in the least.

- 2) The rejection of claims 1, 4, 5 and 10 under 35 USC 102(a) and (e) as being anticipated by Prager (US Publication Number 2002/0130123) is traversed.

Prager discloses a device for detecting, monitoring, and controlling the operating status of an electric iron. The control unit 40 of Prager is considered as the control means for controlling a switch time of the electric switch by the Examiner. Applicants respectfully disagree. As illustrated in column 3, paragraph [0033], Prager discloses the control unit 40 for controlling a power switch 6. By contrast, the claimed control means in claim 1 is to control the switch time, not to control switching mean so that the switches transition between states with an imperceptible delay. Prager fails to disclose the control means for controlling a switch time of the electric switch such that the above-mentioned delay is established. Accordingly, this rejection is untenable.

Claims 3-10 depend from Claim 1, and are considered patentable at least for the reasons advanced with respect to Claim 1.

Rejections under 35 USC § 103

The rejection of claims 2-3 and 6-9 under 35 USC 103(a) as being unpatentable over Prager (US Publication No. 2002/0130123) is respectfully traversed.

Claims 2-3 and 6-9 depend either directly or indirectly from claim 1. Thus, claims 2-3 and 6-9 are submitted as being patentable for as least the same reasons as claim 1. Accordingly, the obviousness rejection is deemed untenable for at least this reason.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: December 10, 2008
KMB/KT/cac